



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Jane Dodge  
Wynwood Hotel  
Interstate Traffic Circle  
Portsmouth, New Hampshire 03801

LETTER OF DEFICIENCY  
WMB PBF 02-03  
January 30, 2002

Dear Ms. Dodge

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On January 28, 2002, DES inspected the following public bathing facilities at the Wynwood Hotel, in Portsmouth, NH: the indoor pool ("Indoor Pool") and spa ("Spa"). During this inspection the following deficiencies were noted:

A recommendation to close the Spa was issued on January 28, 2002. The inspection on January 28, 2002 revealed that the Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the Spa water:

- (a) Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (OCTS/100mL). The Spa water contained 30 CTS/100mL of total coliform bacteria.
  - (b) Pursuant to Env-Ws 1103.14(a)(2) the maximum allowable Heterotrophic Plate Count (HPC) in public bathing facility water is five hundred colony-forming units per one milliliter (500 cfu/mL). The Spa water contained greater than 50,000 cfu/mL.
  - (c) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Spa water contained greater than 200 CTS/100mL with confluent growth.
- 2 Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Spa water was less than 0.1 mg/L on January 28, 2002.
  - 3 Env-Ws 1103.15(c) requires a bromine concentration between 2.0 mg/L and 4.0 mg/L in public pool water. The bromine concentration of the Indoor Pool water was 15.0 mg/L on January 28, 2002.
  - 4 Env-Ws 1103.15(d) requires a pH between 7.0 and 7.8 in public pool water. The pH of the Indoor Pool water was 8.0 on January 28, 2002.
  - 5 Pursuant to Env-Ws 1105.01(k)(10), public swimming pools shall not be operated if an outlet grate is missing, broken or secured in such a way that it can be removed without the use of tools. The outlet grate/main drain cover for the Indoor Pool was broken.
  - 6 Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. Water quality for the Indoor Pool and Spa is only tested and recorded once a day.

7. Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Indoor Pool at the time of the inspection.
8. Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Complete patron rules were not posted at the Indoor Pool at the time of the inspection.
9. Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Indoor Pool did not include a properly sized flow meter.
10. Env-Ws 1103.05 requires shower facilities to be provided at all public bathing facilities. There is no shower at the Indoor Pool.


A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- A copy of two weeks of water quality test results for all facilities (please do not send originals).
- 2. The type, manufacture, and model of the flow meter to be installed.
- 3. The type, manufacture, and model of the main drain cover to be installed.
- 4. A timetable of when:
  - a. the main drain cover will be in place,
  - b. the safety items will be in place,
  - c. patron rules will be posted,
  - d. the installation of a shower will be completed, and
  - e. the installation of the flow meter will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspection in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

  
**COPY**  
Jody Connor  
Limnology Center Director

cc: Gretchen C. Rule, Enforcement Coordinator, DES ✓  
Russell A. Nylander, P.E., Chief Engineer, WD/DES  
Amy Wilson, Public Bathing Facility Coordinator, DES  
Odyssias Athanasiou, Health Officer, City of Portsmouth  
Dan Curtin, Wynwood Hotel, Portsmouth